

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

EVAN BROWN,	:	Civil No. 1:22-cv-1401
	:	
Plaintiff,	:	
	:	(Judge Sylvia H. Rambo)
v.	:	
	:	
ADRIENNE MONROY, MICHAEL	:	
SMITH, ARTHUR ETNOYER, JR.,	:	
JORDAN THOMAS, and DANIEL	:	
TINGLE,	:	
	:	
Defendants.	:	

**ORDER**

AND NOW, this 5<sup>th</sup> day of September, 2023, upon consideration of the motion to dismiss filed by Defendants Jordan Thomas and Daniel Tinger, both officers employed by Lower Swatara Township (“Lower Swatara Defendants”) (Doc. 10), the motion to stay (Doc. 13) filed by *pro se* prisoner-Plaintiff Evan Brown (“Brown”), and Magistrate Judge Karoline Mehalchick’s Report and Recommendation (Doc. 19) recommending that the motion to dismiss be granted and the motion to stay be denied, and noting that Brown has not filed objections to the report and recommendation, and the court having satisfied itself that there is no clear error on the face of the record, Fed. R. Civ. P. 72(b), advisory committee notes; *see also Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010) (explaining that judges should review dispositive legal issues raised by the report for clear error), **IT IS HEREBY ORDERED** as follows:

- 1) The Report and Recommendation (Doc. 19) is **ADOPTED**;
- 2) Lower Swatara Defendants' motion to dismiss (Doc. 10) is **GRANTED**;
- 3) Brown's claims against Lower Swatara Defendants for false arrest, false imprisonment, and failure to intervene are **DISMISSED WITHOUT PREJUDICE** and with leave for Brown to reassert the claims should his conviction ultimately be overturned or otherwise invalidated;
- 4) Brown's motion for an extension of time to file an opposition brief (Doc. 12) and motion to stay (Doc. 13) are **DISMISSED AS MOOT**;
- 5) This case is remanded to Magistrate Judge Mehalchick for further proceedings.

s/Sylvia H. Rambo  
SYLVIA H. RAMBO  
United States District Judge